

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

**Plaintiff,**

**v.**

RAFAEL CONTRERAS-ESPINAL [2],

**Defendant.**

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**CRIMINAL NO. 11-561 (FAB)**

**MEMORANDUM AND ORDER**

BESOSA, District Judge.

A district court may refer a pending motion to suppress to a magistrate judge for a report and recommendation. See 28 U.S.C. § 636(b)(1)(B); Fed.R.Civ.P. 72(b); Loc. Rule 72(b). Any party adversely affected by the report and recommendation may file written objections within fourteen days of being served with the magistrate judge's report. See 28 U.S.C. § 636(b)(1). A party that files a timely objection is entitled to a *de novo* determination of "those portions of the report or specified proposed findings or recommendations to which specific objection is made." Sylva v. Culebra Dive Shop, 389 F.Supp.2d 189, 191-92 (D.P.R. 2005) (citing United States v. Raddatz, 447 U.S. 667, 673 (1980)). Failure to comply with this rule precludes further review. See Davet v. Maccorone, 973 F.2d 22, 30-31 (1st Cir. 1992). In conducting its review, the court is free to "accept,

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reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636 (a)(b)(1); Templeman v. Chris Craft Corp., 770 F.2d 245, 247 (1st Cir. 1985); Alamo Rodriguez v. Pfizer Pharmaceuticals, Inc., 286 F.Supp.2d 144, 146 (D.P.R. 2003). Furthermore, the Court may accept those parts of the report and recommendation to which the parties do not object. See Hernandez-Mejias v. General Elec., 428 F.Supp.2d 4, 6 (D.P.R. 2005) (citing Lacedra v. Donald W. Wyatt Detention Facility, 334 F.Supp.2d 114, 125-126 (D.R.I. 2004)).

On May 18, 2012, the United States magistrate judge issued a very thorough and well-analyzed Report and Recommendation (“R&R”), recommending that defendant’s motion to suppress (Docket No. 46), be **DENIED**. (Docket No. 94). Defendant did not object to the R&R within the time provided by the rules. Therefore, he has waived the right to further review in the district court. Davet, 973 F.2d at 30-31. The Court has made an independent examination of the entire record in this case and **ADOPTS** the magistrate judge’s findings and recommendations. Accordingly, defendant’s motion to suppress is **DENIED**.

**IT IS SO ORDERED.**

San Juan, Puerto Rico, July 5, 2012.

s/ Francisco A. Besosa  
FRANCISCO A. BESOSA  
UNITED STATES DISTRICT JUDGE